

DATE MAILED:

This is a communication from the examiner in charge of this application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to the amendment filed 24 Sept 2003 and 37 CFR 1.116

☒ The allowed claim(s) is/are 1, 2, 5-10, 18-31

☐ The drawings filed on _____ are acceptable as formal drawings.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has **THREE MONTHS FROM THE "MAILING DATE"** of this communication to file a reply complying with requirements noted below. Failure to timely comply will result in **ABANDONMENT** of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION.** This three-month period for complying with the **REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL** is extendable under 37 CFR 1.136(a).

☐ Note the attached **EXAMINER'S AMENDMENT** or **NOTICE OF INFORMAL APPLICATION**, PTO-152, which discloses that the oath or declaration is deficient. A **SUBSTITUTE OATH OR DECLARATION** IS REQUIRED.

☒ Applicant **MUST** submit **NEW FORMAL DRAWINGS**

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____.

☒ including changes required by the proposed drawing correction filed on 22 May 2003, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings.

☐ Note the attached Examiner's comment regarding **REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL**.

Any reply to this notice should include, in the upper right hand corner, the **APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER)**. If applicant has received a Notice of Allowance and Issue Fee Due, the **ISSUE BATCH NUMBER** and **DATE** of the **NOTICE OF ALLOWANCE** should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 25 July 2003

☐ Notice of Draftperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for the Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

SN 995361

Art Unit: 2817

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Saralino on 6 October 2003.

The application has been amended as follows:

In the Specification:

In the new paragraph inserted after before the paragraph at page 16, line 21, first line therein, --(Fig. 8)-- has been inserted after "phaser 22"; second line therein, "Figs. 8-10" has been changed to --Fig. 8--; third line therein, --(Fig. 9)-- has been inserted after "40" & "44", respectively; sixth line therein, the "," (i.e. after "76") has been changed to a --,--; --As shown in Figs. 8-10,-- has been inserted prior to "a cylindrical" & --(Fig. 8)-- has been inserted after "92"; seventh line therein, --(Figs. 8 & 9)-- has been inserted after "98" & "90", respectively.

In the replacement paragraph to page 16, line 21, fourth line therein, --(Fig. 8)-- has been inserted after "42"; fifth line therein, "92)" has been rewritten as --92 of Fig. 8)--; sixth line therein, --as best shown in Fig. 9-- has been inserted after "96"; eighth line therein, --as shown in Fig. 8-- has been inserted after "96".

Art Unit: 2817

In the Claims:

In claim 1, fifth paragraph therein, sixth line therein, "is substantially free of" has been changed to --does not include--; sixth & seventh lines therein, "via the anode-cathode space openings" has been changed to --a common resonator. In the sixth paragraph, first line therein, "a" has been changed to --wherein the--, "which" has been deleted & --each of-- has been inserted after "in". In the last paragraph, second line therein, --provide-- has been inserted prior to "different".

In claim 8, --between the plurality of waveguides-- has been inserted after "electrical length".

In claim 10, line 2, "form" has been changed to --provide--.

In claim 20, line 3, "a" has been deleted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Lee whose telephone number is (703) 308 4902.

BENNY C. LEE
PRIMARY EXAMINER
ART UNIT 2817

B. Lee

October 6, 2003